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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/082,483 05/20/98 WHITE J AKT2253P1(23)

PATENT COUNSEL
APPLIED MATERIALS
LEGAL AFFAIRS DEPARTMENT
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SANTA CLARA CA 95052

MM42/0120

EXAMINER

LUU, P

ART UNIT	PAPER NUMBER
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2824

DATE MAILED: 01/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/082,483

Applicant(s)
White et al.

Examiner
Pho Luu

Group Art Unit
2824



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-58 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-58 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Group I, Claims 1-45, and Claims 47-58. An apparatus for performing a process.
Classified in class 257, subclass 437.
- II. Group II, Claims 46. Method for processing a plurality.
Classified in class 438, subclass 680.

The inventions are distinct, each from the other because of the following reasons:

Inventions of group I and group II are related as process for produce of an Apparatus for performing a process and Method for processing a plurality used therein. The inventions are distinct if either or both of the following can be shown: (1) that an apparatus as claimed can be used to make other and materially different method or (2) that the method as claimed can be made by another and materially different an apparatus (MPEP § 806.05(f)). In the instant case unpatentability of the Group I invention would not necessarily imply unpatentability of the Group II invention, since an apparatus of Group I invention could be made by a product different from those of the Group II invention. For example, in claim 1, step a) a conveyor to support; b) a substrate transfer mechanism configured; c) at least one processing island located along said flow path.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, the search required for Group I, and Group II different, the restriction for examination purposes as indicated is proper.


Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventor-ship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventor-ship must be accompanied by a diligently filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

A telephone call was made to Mr. Mark D. Wieczorek on Friday, December, 27, 1999 to request an oral election to the above restriction requirement, but did not result in an election being made.

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Pho Luu whose telephone number (703) 306-5943. The examiner can normally be reached on Monday through Friday from 8.00am to 5.00pm.

PL
Pho Luu
January 10, 2000


RICHARD T. ELMS
PRIMARY EXAMINER
GROUP 2100